

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

DWIGHT GIBSON,)
)
Plaintiff,)
)
vs.) Case No. 4:10-CV-00901-NKL
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

Pending before the Court is Defendant's Motion to Reverse and Remand pursuant to sentence four of 42 U.S.C. § 405(g) [Doc. #12]. Defendant requests the remand so that the ALJ may properly evaluate the severity of Plaintiff's mental impairment. [Doc. # 12, at 1]. Plaintiff opposes the motion, arguing that the existing evidence supports outright reversal and that remanding this case would further delay a claim that has been pending since 2006. Additionally, Plaintiff states that he is now sixty-four years old and has been receiving early retirement benefits since age sixty-two. [Doc. # 13, at 1].

Although the Court notes Plaintiff's concern of additional delay given his age, remand will ensure that the Commissioner has properly considered Plaintiff's claim prior to judicial review. Indeed, Plaintiff indicates in his Social Security Brief that due to the ALJ's inconsistent findings regarding Plaintiff's mental impairments, remand is necessary. [Doc. # 9, at 11]. Therefore, Defendant's motion [Doc. # 12] is hereby GRANTED. The Court

reverses the decision of the ALJ and remands this case to the Commissioner under sentence four of 42 U.S.C. § 405(g).

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: May 12, 2011
Kansas City, Missouri